Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 106948 Bk 128 Pg 170
Date: 16-JUN-2008 2:32PM
Fee: \$10.00 Check
Filed By: RC
SHANE A. MILLETT, Recorder
PIUTE COUNTY CORPORATION
For: GOVERNOR OF THE STATE OF UTAH

#### THE STATE OF UTAH

# TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Piute County as it pertains to the highway located in Piute County known as EAST CIRCLEVILLE ROAD; County Road Number: PCRD119; State Geographic Information Database (SGID) Road Identification Number: RD160119. Total road length is 2.89 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 12 to day of \_\_\_\_\_\_, 200 8.

By the Governor's Designee

John Harja

# CERTIFICATION

State of Utah ) : ss County of Salt Lake )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this / day of

, 200 7

Notary Public

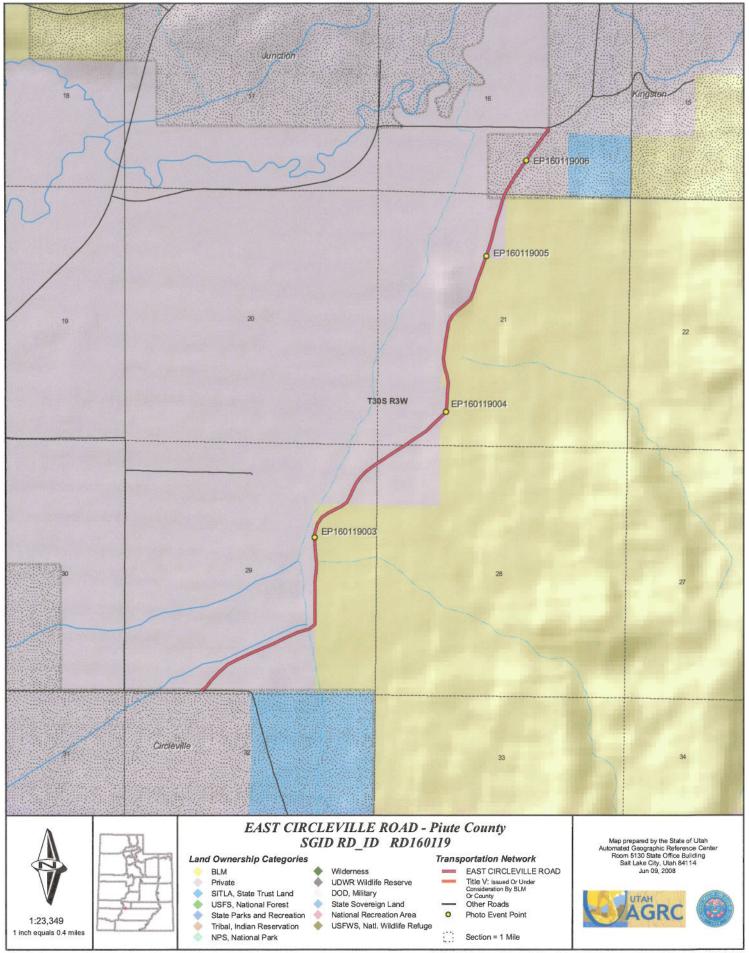
DEBORAH MONTGOMERY

Salt Lake City, Utah 84114

My Commission Expires

April 24, 2012

State of Utah





EP160119003



EP160119004



EP160119005



EP160119006

EP000000000

EP000000000



EAST CIRCLEVILLE ROAD - Piute County SGID RD\_ID RD160119

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 June 10, 2008



# Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: EAST CIRCLEVILLE ROAD

County: Piute

County Road Number: PCRD119

State Geographic Information Database (SGID) Road Identification Number: RD160119.

Total Road Length: 2.89 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 09 minutes 53.19 seconds North Latitude and -112 degrees 13 minutes 39.06 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,431,250.3 feet and Y = 10,388,812.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 11 minutes 051.5 seconds North Latitude and -112 degrees 12 minutes 09.71 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,438,476.4 feet and Y = 10,400,725.4 feet based on the US Survey Foot conversion.

#### This road may traverse:

Township 30 South Range 3 West, Section(s) 16,21,28,29, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

# Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: EAST CIRCLEVILLE ROAD

County: Piute

County Road Number: PCRD119

State Geographic Information Database (SGID) Road Identification Number: RD160119.

Total Road Length: 2.89 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment	See Attached Appendix
Number (RD ID)			Length	
RD160119	001	PVT	0.53 Miles	(not shown)
RD160119	002	BLM	0.54 Miles	A
RD160119	003	PVT	0.67 Miles	(not shown)
RD160119	004	BLM	0.1 Miles	В
RD160119	005	PVT	0.16 Miles	(not shown)
RD160119	006	BLM	0.01 Miles	C
RD160119	007	PVT	0.07 Miles	(not shown)
RD160119	008	BLM	0.22 Miles	D
RD160119	009	PVT	0.59 Miles	(not shown)
		Total Road Length	2.89	

<sup>\*</sup> Indicates that a Title V permit will be requested, is in process, or has been issued.

<sup>†</sup> Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

#### AFFIDAVIT OF ARTHOR W. NIELSEN

#### EAST CIRCLEVILLE ROAD

#### PIUTE COUNTY, UTAH

#### **ROAD NUMBER PCRD119**

State of Utah	)	
	: ss.	
County of Piute	)	

ARTHOR W. NIELSEN, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Piute County, Utah. I have lived in Piute County
  for 73 years. I was employed as the Road Supervisor for the Piute County Road Department from
  1983 to 2000.
- 2. I have traveled and am familiar with a road in Piute County known as East Circleville Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2008 when I last observed it. Attached is a Piute County map showing East Circleville Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2008. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2008.

- 5. Throughout the time period from the early 1950s to the present, I have used the road myself for the following uses: travel in and through the area, hunting and recreation.
- 6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: livestock operations, farming, government access and tourism.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
  - 8. Prior to 1976, I observed the graded surface of the road.

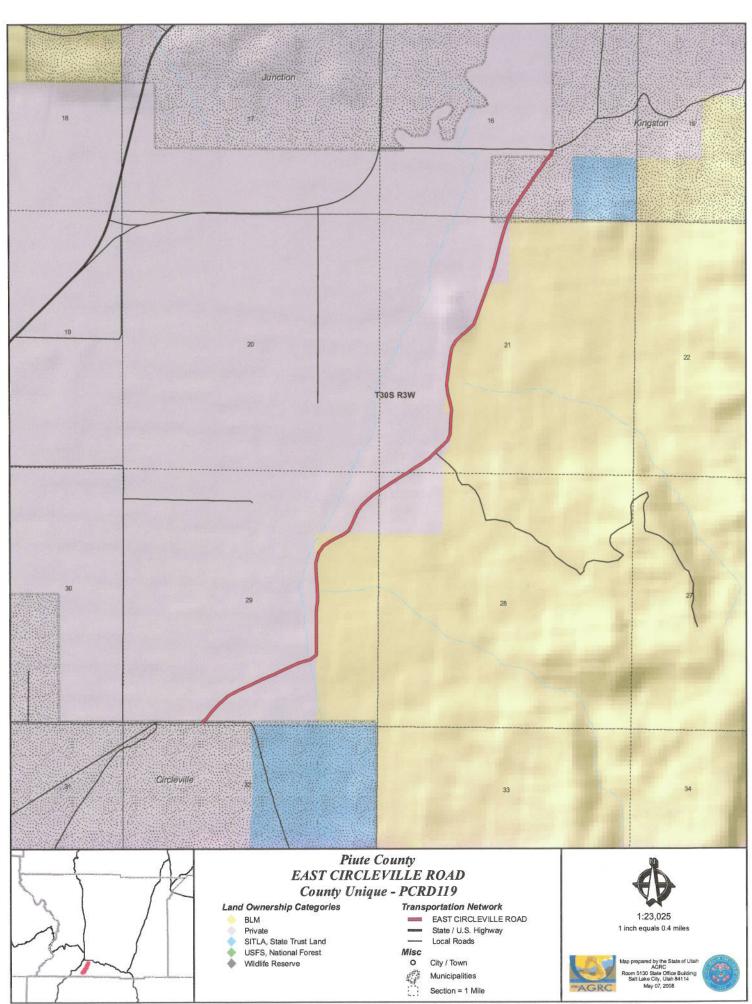
DATED this 2 O day of May, 2008.

ARTHOR W. NIELSEN

SUBSCRIBED AND SWORN to before me this day of May, 2008.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



#### AFFIDAVIT OF JOAN ANDERSON

#### EAST CIRCLEVILLE ROAD

#### PIUTE COUNTY, UTAH

#### **ROAD NUMBER PCRD 119**

State of Utah	)	
	: ss.	
County of Piute	)	

JOAN ANDERSON, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Piute County, Utah. I have lived in Piute County
  for 72 years.
- 2. I have traveled and am familiar with a road in Piute County known as East Circleville Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Piute County map showing East Circleville Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, jeeps, recreational vehicles and pickup trucks. Throughout this time period, the road has been used daily, weather permitting for more than ten continuous years prior to 1976, and was used daily, weather permitting, in 2007.

 Throughout the time period from the early 1950s to 2007, I have used the road myself for the following uses: rock hounding, hunting, photography, search and rescue and recreation.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: livestock operations and prospecting for minerals.

7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road.

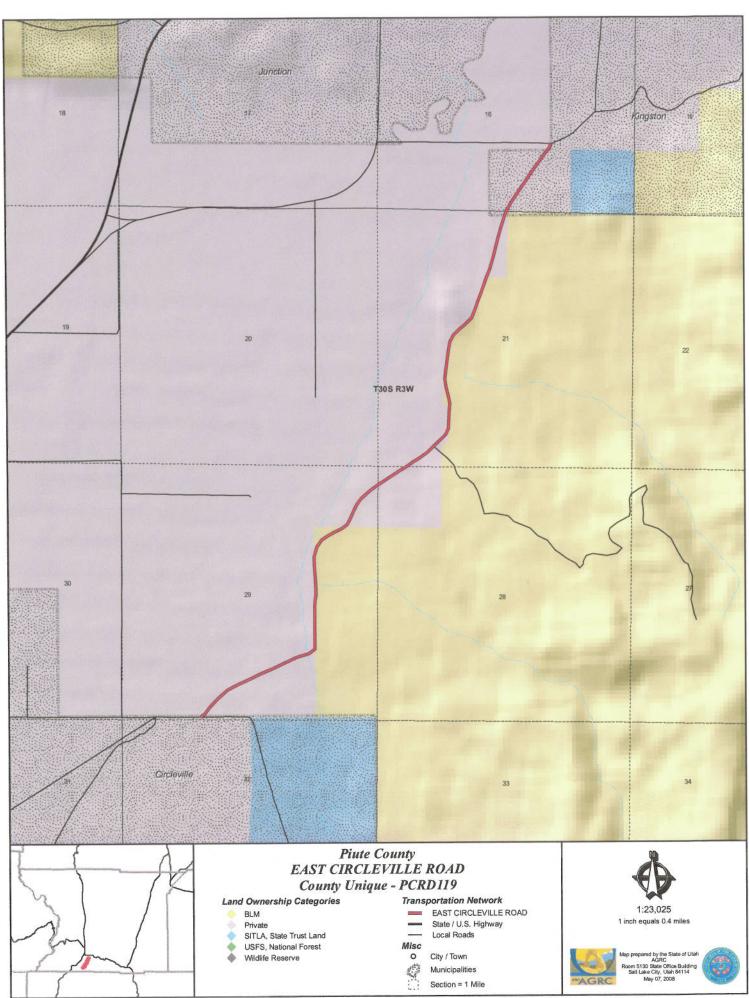
DATED this <u>2</u> <u>D</u> day of May, 2008.

JOAN ANDERSON

SUBSCRIBED AND SWORN to before me this day of May, 2008.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Merca Schrade NOTARY PUBLIC



### Appendix A to Attachment 4

Popular Name: EAST CIRCLEVILLE ROAD

County: Piute

County Road Number: PCRD119

State Geographic Information Database (SGID) Road Identification Number: RD160119.

Road-Segment Number: 002

Road-Segment Length: 0.54 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 30 South Range 3 West, Section(s) 29, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EAST CIRCLEVILLE ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 38 degrees 10 minutes 07.28 seconds North Latitude and -112 degrees 13 minutes 09.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,433,627.1 feet and Y = 10,390,219.2 feet; thence the following courses along the said road center line:

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thence North 00 Degrees 17 Minutes 44 Seconds East thence North 00 Degrees 07 Minutes 45 Seconds East thence North 00 Degrees 24 Minutes 20 Seconds West 202.8 feet thence North 00 Degrees 53 Minutes 02 Seconds West 98.8 feet thence North 00 Degrees 03 Minutes 07 Seconds East 51.5 feet thence North 00 Degrees 09 Minutes 22 Seconds West 120.1 feet thence North 02 Degrees 55 Minutes 36 Seconds East 121.9 feet thence North 07 Degrees 57 Minutes 36 Seconds East 125.4 feet thence North 01 Degrees 08 Minutes 03 Seconds East 155.9 feet thence North 04 Degrees 35 Minutes 49 Seconds West 188.9 feet thence North 03 Degrees 53 Minutes 59 Seconds West 220.3 feet
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thence North 02 Degrees 44 Minutes 26 Seconds West 224.7 feet thence North 15 Degrees 52 Minutes 25 Seconds East 224.8 feet thence North 34 Degrees 20 Minutes 03 Seconds East 174.3 feet thence North 55 Degrees 00 Minutes 54 Seconds East 154 feet thence North 62 Degrees 45 Minutes 03 Seconds East 158.6 feet thence North 63 Degrees 54 Minutes 50 Seconds East 159.2 feet

thence North 52 Degrees 10 Minutes 04 Seconds East 69.5 feet more or less to the ending point at: 38 degrees 10 minutes 32.43 seconds North Latitude and -112 degrees 13 minutes 02.06 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,434,236.1 feet and Y = 10,392,758.6 feet.

#### Appendix B to Attachment 4

Popular Name: EAST CIRCLEVILLE ROAD

County: Piute

County Road Number: PCRD119

State Geographic Information Database (SGID) Road Identification Number: RD160119.

Road-Segment Number: 004

Road-Segment Length: 0.1 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 30 South Range 3 West, Section(s) 21, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EAST CIRCLEVILLE ROAD)-- Segment 004 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 38 degrees 10 minutes 57.45 seconds North Latitude and -112 degrees 12 minutes 34.89 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,436,424.6 feet and Y = 10,395,272.8 feet; thence the following courses along the said road center line:

thence North 03 Degrees 47 Minutes 57 Seconds East 50.3 feet thence North 10 Degrees 11 Minutes 01 Seconds West 166.5 feet thence North 15 Degrees 57 Minutes 04 Seconds West 176.5 feet

thence North 08 Degrees 03 Minutes 32 Seconds West 131.5 feet more or less to **the ending point at:** 38 degrees 11 minutes 02.52 seconds North Latitude and -112 degrees 12 minutes 036.1 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,436,331.6 feet and Y = 10,395,786.9 feet.

#### Appendix C to Attachment 4

Popular Name: EAST CIRCLEVILLE ROAD

County: Piute

County Road Number: PCRD119

State Geographic Information Database (SGID) Road Identification Number: RD160119.

Road-Segment Number: 006

Road-Segment Length: 0.01 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 30 South Range 3 West, Section(s) 21, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EAST CIRCLEVILLE ROAD) -- Segment 006 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 38 degrees 11 minutes 10.87 seconds North Latitude and -112 degrees 12 minutes 034.8 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,436,441.8 feet and Y = 10.396.630.6 feet; thence the following courses along the said road center line:

thence North 27 Degrees 25 Minutes 15 Seconds East 36 feet more or less to the ending point at: 38 degrees 11 minutes 11.19 seconds North Latitude and -112 degrees 12 minutes 034.6 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,436,458.4 feet and Y = 10,396,662.5 feet.

#### Appendix D to Attachment 4

Popular Name: EAST CIRCLEVILLE ROAD

County: Piute

County Road Number: PCRD119

State Geographic Information Database (SGID) Road Identification Number: RD160119.

Road-Segment Number: 008

Road-Segment Length: 0.22 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 30 South Range 3 West, Section(s) 21, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EAST CIRCLEVILLE ROAD)-- Segment 008 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 38 degrees 11 minutes 13.92 seconds North Latitude and -112 degrees 12 minutes 31.47 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,436,710.6 feet and Y = 10.396,937.2 feet: thence the following courses along the said road center line:

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thence North 50 Degrees 10 Minutes 13 Seconds East 58.3 feet thence North 45 Degrees 16 Minutes 28 Seconds East 181 feet thence North 21 Degrees 52 Minutes 42 Seconds East 179 feet thence North 17 Degrees 41 Minutes 50 Seconds East 210.1 feet thence North 19 Degrees 50 Minutes 16 Seconds East 239.1 feet thence North 20 Degrees 46 Minutes 37 Seconds East 230.7 feet
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thence North 19 Degrees 46 Minutes 22 Seconds East 46.8 feet more or less to **the ending point at:** 38 degrees 11 minutes 24 seconds North Latitude and -112 degrees 12 minutes 25.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,437,193.3 feet and Y = 10,397,952.9 feet.